



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1997

Captain Robert Taylor
City of Amarillo Police Department
200 East 3rd
Amarillo, Texas 79101-1514

OR97-2801

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111631.

The Amarillo Police Department (the "department") received an open records request for all records pertaining to a fatal automobile accident. You seek to withhold the requested information pursuant to section 552.108 of the Government Code.¹

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if (1) release of the information would interfere with the detection, investigation, or prosecution of crime" Because you have informed this office that the records at issue pertain to pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time would interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

Please note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

¹You indicate, however, that you intend to release to the requestor a copy of the "Peace Officer's Accident Report" form.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/rho

Ref.: ID# 111631

Enclosures: Submitted documents

cc: Mr. Rick Keffler
P.O. Box 50825
Amarillo, Texas 79159-0825
(w/o enclosures)